

ACTION AGENDA

Monday, August 13, 2012
Special Meeting
Committee of the Whole
Regular Meeting

SPECIAL MEETING AGENDA

Session 12-22 a Special Meeting of the Homer City Council was called to order on August 13, 2012 at 4:00 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: BURGESS, HOWARD, LEWIS, WYTHE

ABSENT: ROBERTS, ZAK (both excused)

STAFF: CITY MANAGER WREDE
CITY CLERK JOHNSON
CITY ATTORNEY KLINKNER

Councilmembers Roberts and Zak have requested excusal.

Mayor Hornaday ruled Councilmembers Roberts and Zak as excused absences. There was no objection from the Council.

2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

The agenda was approved by consensus of the Council.

3. **PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**

There were no comments of the audience.

4. **NEW BUSINESS**

- A. **Memorandum 12-122**, From City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(C)(1 & 5), Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney-client Privilege (City Attorney Update on Pending Court Cases: Griswold vs. City of Homer and Dietzmann vs. City of Homer)

APPROVED with discussion.

Police Chief Robl, City Manager Wrede, and City Attorney Klinkner participated in the

Executive Session.

Council adjourned to Executive Session at 4:03 p.m. and reconvened the meeting at 4:37 p.m.

Mayor Pro Tempore Wythe reported Council met with the attorney and staff to receive updates on court cases and provided guidance to the attorney.

5. COMMENTS OF THE AUDIENCE

There were no comments of the audience.

6. ADJOURNMENT NO LATER THAN 4:50 P.M.

Mayor Hornaday adjourned the meeting at 4:38 p.m.

COMMITTEE OF THE WHOLE AGENDA

1. CALL TO ORDER, 5:00 P.M.

Mayor Hornaday called the meeting to order at 5:00 p.m.

Councilmembers Roberts and Zak have requested excusal.

2. AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

The agenda was approved by consensus of the Council.

3. BUDGET PRIORITIES FOR 2013

4. REGULAR MEETING AGENDA

5. COMMENTS OF THE AUDIENCE

There was one who commented.

6. ADJOURNMENT NO LATER THAN 5:50 P.M.

Mayor Hornaday adjourned the meeting at 5:38 p.m.

REGULAR MEETING AGENDA

Session 12-23 a Regular Meeting of the Homer City Council was called to order on August 13, 2012 at 6:00 p.m. by Mayor James C. Hornaday at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of

Distribution/Storage Improvement Projects and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. **CITY MANAGER'S REPORT** - Memorandum 12-128 from Community and Economic Development Coordinator, Re: Report on Proposed Formation of Kenai Peninsula Development Coalition. **RESOLUTIONS** - **Resolution 12-072(S)**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract to **Alaska Road Builders** of **Soldotna, Alaska**, in the Amount of **\$559,513.00** for the 2012 Streets Paving Project and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Memorandum 12-129 from Public Works Superintendent as backup. **Resolution 12-073(S)**, A Resolution Of The City Council Of Homer, Alaska, Supporting The Homer Chamber Of Commerce *Hoo-Rah Homer* Event Planned For June 13—16, 2013.

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There was one who commented.

4. RECONSIDERATION

5. CONSENT AGENDA

(Items listed below will be enacted by one motion. If separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- A. Homer City Council unapproved Special and Regular Meeting minutes of July 23, 2012. City Clerk. Recommend adoption.

APPROVED without discussion.

6. VISITORS

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

Mayor Hornaday invited the town to the Open House at City Hall on Monday, August 20th from 4:00 p.m. to 7:00 p.m. There will be artists, entertainment, and refreshments.

- A. Borough Report
- B. Commissions/Board Reports:
 - 1. Library Advisory Board

2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission

Deb Lowney, Parks and Recreation Advisory Commissioner, reported on the successful Park Day at Jack Gist Park. There were major improvements on the ball fields. The commission forwarded their budget recommendations to Walt and Homer Roads and Trails recommendation projects to the Transportation Advisory Committee (TAC). The Kachemak Drive Pathway is going to the TAC next week. The commission is heavily involved with Karen Hornaday Park improvements. They hope to find support for two trails; one trail is the continuation of Fairview and the other is a new trail at Woodard Creek. The commission supports improvements at Jack Gist Park to include drainage and signage. The Parks and Recreation Department needs more staff for summer maintenance for new facilities and updated facilities.

5. Port and Harbor Advisory Commission

8. PUBLIC HEARING(S)

A. BUDGET PRIORITIES FOR 2013

There were three who testified.

- B. **Ordinance 12-31(A)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Revolving Energy Fund, the Water and Sewer Depreciation Fund, and the Port and Harbor Depreciation Fund for Energy Upgrades and Improvements to Facilities and Authorizing the City Manager to Transfer Funds. City Manager/Finance Director. Introduction July 23, 2012, Public Hearing and Second Reading August 13, 2012.

There was no public testimony.

ADOPTED without discussion.

- C. **Ordinance 12-32**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 General Fund Balance by Allocating \$544,280 for Depreciation Reserves for the Years 2010 and 2011 to City Hall, Parks And Recreation, Planning, Airport Terminal, Library, Fire, Police, Public Works, Leased Properties, Fire, Police, and Public Works Fleet Depreciation Reserve Accounts and Authorizing the City Manager to Transfer

Funds. City Manager/Finance Director. Introduction July 23, 2012, Public Hearing and Second Reading August 13, 2012.

There was no public testimony.

ADOPTED without discussion.

- D. **Ordinance 12-33(A)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2012 Operating Budget, Including Appropriations to the General Fund and the Port and Harbor Fund and Funding New Projects from Various Reserve Accounts, **Appropriating \$10,567 for the Homer Hockey Association Zamboni Batteries**, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Finance Director. Introduction July 23, 2012, Public Hearing and Second Reading August 13, 2012.

Memorandum 12-113 from Systems Manager as backup.

Memorandum 12-114 from Port and Harbor Director as backup.

Memorandum 12-115 from Library Director as backup.

Memorandum 12-116 from Public Works Superintendent as backup.

Memorandum 12-024 from Public Works Director as backup.

Memorandum 12-110 from Community and Economic Development Coordinator as backup.

There was one who testified.

POSTPONED to August 27, 2012 for Second Reading.

- E. **Ordinance 12-34**, An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget by Appropriating \$1,500.00 from the General Fund for an Open House Celebration for the Renovated City Hall. Roberts/Wythe. Introduction July 23, 2012, Public Hearing and Second Reading August 13, 2012.

There was no public testimony.

ADOPTED with discussion.

- F. **Ordinance 12-35**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a State of Alaska Public Library Assistance Grant for FY 2013 in the Amount of \$6,500.00, with a Local Match of \$7,000.00 for Books and Library Materials, and Authorizing the City Manager to Execute the Appropriate Documents. City

Manager/Library Director. Introduction July 23, 2012, Public Hearing and Second Reading August 13, 2012.

Memorandum 12-117 from Library Director as backup.

There was no public testimony.

ADOPTED without discussion.

- G. **Ordinance 12-36**, An Ordinance of the Homer City Council, Enacting Homer City Code Chapter 5.42 Prohibiting Sellers from Providing Customers with Disposable Plastic Shopping Bags. Lewis/Burgess. Introduction July 23, 2012, Public Hearing and Second Reading August 13, 2012.

There were nine who testified.

POSTPONED to August 27, 2012 for Second Reading.

- H. **Ordinance 12-37**, An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget by Appropriating Up to \$15,000 from the Port and Harbor Reserve Fund for an Engineering Evaluation of the Existing Port and Harbor Building. City Manager/Port and Harbor Director. Introduction July 23, 2012, Public Hearing and Second Reading August 13, 2012.

Ordinance 37(S), An Ordinance of the City Council of Homer, Alaska, Amending the **FY** 2012 Operating Budget by Appropriating up to \$15,000 from the Port and Harbor Reserve Fund for an Engineering Evaluation of **Four Identified Alternatives to Upgrade and/or Replace** the Existing Port and Harbor **Office** Building. City Manager/Port and Harbor Director.

Memorandum 12-121 from Port & Harbor Director as backup.

Memorandum 12-123 from City Manager as backup.

There was no public testimony.

SUBSTITUTE ORDINANCE 37(S) ADOPTED and AMENDED with discussion.

AMENDMENT: Appropriation: \$2,500.

9. ORDINANCE(S)

- A. **Ordinance 12-38**, An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget by Appropriating up to \$7,000 from the Port and Harbor Reserve Fund for Paving Repairs at the Airport Terminal. City Manager/Public Works Director. Recommended dates: Introduction August 13, 2012 Public Hearing and Second Reading August 27, 2012.

Memorandum 12-126 from Public Works Director as backup.

Ordinance 12-38(S), An Ordinance of the City Council of Homer, Alaska, Amending the 2012 Operating Budget by Appropriating Up to \$7,000 from the ~~Port And Harbor~~ **Airport Depreciation** Reserves Fund for Paving Repairs at the Airport Terminal. City Manager/Public Works Director.

SUBSTITUTE ORDINANCE 12-38(S) ADOPTED with discussion.

- B. **Ordinance 12-39**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Denali Commission Grant in the Amount of \$440,000 for Engineering Design Services for Priority Capital Improvements within the Homer Boat Harbor (Ramp 3 Float Replacement and System 5 Upgrades) with a Required Twenty Percent (20%) Local Match of \$110,000 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Port and Harbor Director. Recommended dates: Introduction August 13, 2012 Public Hearing and Second Reading August 27, 2012.

Memorandum 12-110 from Community and Economic Development Coordinator as backup.

Memorandum 12-130 from Public Works Director as backup.

ADOPTED without discussion.

- C. **Ordinance 12-40**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Special Act Appropriations Project (SAAP) Grant in the Amount of \$881,818 and Authorizing a 45% Matching Requirement from the Homer Accelerated Water and Sewer Fund (HAWSP) in the Amount of \$396,818 for the Purpose of Completing Water Distribution/Storage Improvement Projects and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommended dates: Introduction August 13, 2012 Public Hearing and Second Reading August 27, 2012.

Ordinance 12-40(S), An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Special Act Appropriations Project (SAAP) Grant in the Amount of \$881,818 and Authorizing a 45% Matching Requirement from the Homer Accelerated Water and Sewer Fund (HAWSP) in the Amount of \$396,818 for the Purpose of

Completing Water Distribution/Storage Improvement Projects and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director.

SUBSTITUTE ORDINANCE 12-40(S) ADOPTED without discussion.

- D. **Ordinance 12-41**, An Ordinance of the City Council of Homer, Alaska, Appropriating \$60,000 from the General Fund Reserve and Transferring These Funds to the Kenai Peninsula Borough to Support Renovation of the Homer High School Track Complex Including All Additive Alternatives. City Manager. Recommended dates: Introduction August 13, 2012, Public Hearing and Second Reading August 27, 2012.

ADOPTED with discussion.

10. CITY MANAGER'S REPORT

A. City Manager's Report

1. Memorandum 12-128 from Community and Economic Development Coordinator, Re: Report on Proposed Formation of Kenai Peninsula Development Coalition.

City Manager Wrede reported a natural gas planning group has been compiled to come up with a budget and a strategic plan for moving ahead with the gas line project. Council has asked repeatedly for a public information campaign. We want people within the LID (Local Improvement District) to be as informed as possible. What is the total cost? What are the conversion costs? We have been struggling what to do with that, looking at the numbers provided to us. Katie has been talking to plumbers and heating specialists. We are comfortable with what the \$1 per Mcf costs and the published rates. After that there are a huge number of variables in converting each house. He is nervous about going too far and giving a price range. Katie has been working with consultants for the website to provide a list of variable questions on line. Answers to the questions will spit out a number or range of conversion costs. It will provide a reasonable expectation. It is not hard to imagine people may come back on the City when their conversion costs are increased. He asked Council how far they want us to go to help the public figure out the total costs. People could be referred to a heating professional with questions related to converting their home.

Councilmember Lewis asked if he is living on one side of the street and the gas line goes in on the other side of the street, where does his footage start. City Manager Wrede fanswered he will need to check on that, but if you have frontage on the road that contains the main you will get an assessment.

Councilmember Burgess commented he is one of the people bugging Katie to make the information accessible to the public. The risk of leading someone to be misinformed is worth the benefit of having a central point where people can go to be more educated on their own. There are three major components: the LID, the assessment, and the conversion of your house. He is in favor of a website tool or calculator that makes it clear it is an approximation. Those resources are handy for the public.

Councilmember Howard is a little afraid of the calculator. Although it is an opportunity for local business people in the heating and plumbing to put out projections, she is concerned we will be held to the numbers. We have no way of knowing what type of heating people have to convert to natural gas. There is too much individualism. The property owner needs to take the initiative to get the facts from professional folks. The government needs to stay out of that portion of it.

City Manager Wrede said there is a lot of talk around town with the Council doing an LID for the whole town. Every property will not get gas. The LID will put pipe in rights-of-way and people that will have immediate access to gas are the properties with frontage on those roads. Those set back or not fronting a road will have to make arrangements with Enstar. The whole town will have much easier access to natural gas, but only properties that front the roads and mains will be in Special Assessment District (LID). The planning group is working through criteria to take to Enstar that helps make decisions where the pipe will go. The original request to Enstar was to give us an estimate to put pipe in every street in town. When you look at the map there are a lot of places where putting pipe does not make sense. Some places we will recommend they don't put pipe, such as subdivisions with no built road, houses or utilities. Those areas could be connected later on. He will bring the draft criteria to Council for consideration.

Mayor Hornaday would like to see pressure put on Enstar and their contractor that they set up offices in Homer. The City is going to get hit if they don't have offices here.

City Manager Wrede answered Enstar is committed to being here. They will have a project manager and office here. The project manager will move to Homer with his family for three years. We will still have a flood of people here. When the trees come down Enstar will say they put the pipe where the City said to.

Councilmember Lewis asked if the dredging of the Fishing Hole (Nick Dudiak Fishing Lagoon) will happen this fall. Port and Harbor Director Hawkins answered the survey will happen this fall after Labor Day and then we can start planning. The survey will provide the quantity and we can come up with the cost. Dredge spoils could be removed from the Spit by the bidder. Once we have the quantities we can advertise a RFP.

- B. Bid Report

11. CITY ATTORNEY REPORT

City Attorney Klinkner had provided Council a written report of his activities in July. There were no questions from Council.

12. COMMITTEE REPORT

- A. Public Arts Committee
- B. Transportation Advisory Committee
- C. Permanent Fund Committee
- D. Lease Committee
- E. Port and Harbor Improvement Committee
- F. Employee Committee Report
- G. Water and Sewer Rate Task Force

13. PENDING BUSINESS

14. NEW BUSINESS

- A. **Memorandum 12-124**, from Public Arts Committee, re: Selection Committee Recommendations for the Request for Proposals Incorporating Art into Four Public Restroom Facilities and the Homer Spit Trail Under the 1% for the Arts Program.

FAILED for lack of a second.

15. RESOLUTIONS

- A. **Resolution 12-071**, A Resolution of the City Council of Homer, Alaska, Noting the Insufficiency of the Petition for Webber Subdivision Road Reconstruction and Paving Improvement Special Assessment District. City Clerk.

Memorandum 12-125 from City Clerk as backup.

ADOPTED without discussion.

- B. **Resolution 12-072**, A Resolution of the City Council of Homer, Alaska, Awarding a Contract to _____, of _____, _____, in the Amount of \$_____ for the 2012 Streets Paving Project and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Page 157

Resolution 12-072(S), A Resolution of the City Council of Homer, Alaska, Awarding a Contract to Alaska Road Builders of Soldotna, Alaska, in the Amount of **\$559,513.00** for the 2012 Streets Paving Project and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Memorandum 12-129 from Public Works Superintendent as backup.

SUBSTITUTE RESOLUTION 12-072(S) ADOPTED without discussion.

- C. **Resolution 12-073**, A Resolution of the City Council of Homer, Alaska, Supporting the Homer Chamber of Commerce *Hoo-Rah Homer* Event Planned for June 13 – 16, 2013. Mayor/City Council.

Resolution 12-073(S), A Resolution Of The City Council Of Homer, Alaska, Supporting The Homer Chamber Of Commerce *Hoo-Rah Homer* Event Planned For June ~~13~~—16, 2013.

SUBSTITUTE RESOLUTION 12-073(S) ADOPTED without discussion.

- D. **Resolution 12-074**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Negotiate a Transfer of Responsibility Agreement with the Alaska Department of Transportation and Public Facilities which Designates the City as the Entity Responsible for Engineering, Design, and Construction of Traffic Control Improvements at the Intersection of Main Street and the Sterling Highway. City Manager.

Memorandum 12-127 from City Manager as backup.

POSTPONED to August 27, 2012.

16. COMMENTS OF THE AUDIENCE

There were two who commented.

17. COMMENTS OF THE CITY ATTORNEY

City Attorney Klinkner had no comment.

18. COMMENTS OF THE CITY CLERK

City Clerk Johnson announced the candidacy filing period ends Wednesday, August 15th at 5:00 p.m. for the Mayor and two Councilmember seats. Absentee voting for the primary election is available now through August 28th at the Clerk's office.

19. COMMENTS OF THE CITY MANAGER

City Manager Wrede had no comment.

20. COMMENTS OF THE MAYOR

Mayor Hornaday welcomed Beau's father, a professor at PCU. The Mayor recommends he goes to the research reserve.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Lewis commented he brought up plastic bags although it is not that big of a deal to have plastic bags around. We do not have a landfill, we just have a transfer station. It is a baby step, a small one, and he would like to see a lot of plastic disappear. This is a little bit of a start we need to take. It all stems back to The Graduate when they mentioned investing in plastic.

Councilmember Burgess commented on the plastic bag ordinance. It is a good baby step and a good compromise. If we can do it evenhandedly we can easily be business friendly. It is difficult to get this out there in this time with the nature of political debate. We are government; we as a community make decisions collectively. He urged the community to participate by speaking to Council.

Councilmembers Wythe and Howard had no comment.

22. ADJOURNMENT

There being no further business to come before the Council, Mayor Hornaday adjourned the meeting at 7:23 p.m. The next Regular Meeting is Monday, August 27, 2012 at 6:00 p.m. and Committee of the Whole 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.